

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2731 of 2017

Arising Out of PS.Case No. -109 Year- 2016 Thana -GOH District- AURANGABAD

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Ramesh Prasad Son of Shiv Chand Sao Resident of Village- Andar Bazar,
Goh, Police Station- Goh, District- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Srivastava

For the Opposite Party/s : Mr. Smt Indu Kumari Srivastava

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

8 13-04-2017 Supplementary affidavit has been filed on behalf of
the petitioner. Let it be kept on the record.

Heard the learned counsel for the petitioner, the
learned A.P.P. for the State as also the learned counsel for the
Informant.

In this application for anticipatory bail the petitioner
apprehends his arrest in connection with Goh P.S. Case No. 109 of
2016 for the offences punishable under sections 341, 323, 324,
427, 379 and 307 of the I.P.C.

Allegedly, the informant and his brother were in the
shop and then the petitioner came there and assaulted with rod on
the head of the informant and Pravesh Kumar, the brother of the
informant, was assaulted by scissor near the mouth and further the



petitioner threw all the articles of the shop and took away Rs.10,000/- which was the sale amount of the shop. Both brothers started fleeing away towards the police station and the petitioner chased them taking rod in his hand.

Submission is of false implication and that the petitioner is the eldest brother of the informant, due to some family dispute the petitioner has been implicated in this case, the petitioner has gone in the shop empty handed and the occurrence took place at the spur of the moment, there was no intention and as such the offence under section 307 of the I.P.C. is not made out, the allegation under section 379 of the I.P.C. is super addition and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for pre-arrest bail of the petitioner by submitting that the informant has received grievous injury and the petitioner chased the informant and his brother again to assault them so the intention is clear and as such the petitioner does not deserve pre-arrest bail.

In the facts and circumstances as stated above, considering the nature of the injury, I am not inclined to grant privilege of pre-arrest bail to the petitioner and accordingly his such prayer stands rejected in connection with the aforementioned



case pending in the court of C.J.M. Aurangabad.

However, in case and if so advised, the petitioner surrenders and seeks regular bail then his prayer for regular bail shall be considered on its own merits without being prejudiced by this order, preferably on the same day.

(Jitendra Mohan Sharma, J)

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